

**SUPREME COURT
STATE OF NEW JERSEY**



**1989 JUDICIAL CONFERENCE
JUVENILES, JUSTICE AND THE COURTS**

**PROPOSED TASK FORCE
RECOMMENDATIONS**



December 8, 1989

*The Meadowlands Hilton
Secaucus, New Jersey*

1989 JUDICIAL CONFERENCE TASK FORCE Juveniles, Justice and The Courts

CHIEF JUSTICE ROBERT N. WELLENZ
Co-Chairperson

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Co-Chairperson



December 8, 1989

Dear Colleague:

The committees of the 1989 Judicial Task Force developed recommendations for improving the juvenile justice system. We have attached a copy of those recommendations for your review. Following the Judicial Conference, the Task Force will prepare its report for submission to the Supreme Court. In preparing the report, the Task Force will review: the committees' recommendations; all written responses; the discussions from the Conference day as well as the reports submitted by the six committees.

Members of the Task Force request your written comments. Please forward them by January 15, 1990 to:

Administrative Office of the Courts
CN 983
Trenton, New Jersey 08625

The members of the Task Force appreciate your interest in juvenile justice and look forward to receiving your comments and reactions to these recommendations.

Yours truly,

The 1989 Judicial Conference Task Force

RECOMMENDATIONS OF THE 1989 JUDICIAL CONFERENCE TASK FORCE COMMITTEES

Juveniles, Justice and the Courts

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Note

For your convenience, the following recommendations have been extracted from the six committee reports prepared for the 1989 Judicial Conference. All committee commentary and discussion of these recommendations have been omitted in order to present them in as brief a form as possible. Some committees presented their recommendations in the form of trial court performance standards and they have been included as such herein.

The committee reports contained extensive discussion of these recommendations and should be referred to for more information. It should be emphasized that this summary is not meant to supplant the original committee recommendations. It is intended only to be used as a convenient guide to the committee recommendations.

COMMITTEE ON DELINQUENCY CAUSES AND PREVENTION

RECOMMENDATIONS:

1. The adoption and utilization of a statewide computerized system, along with the appropriate staffing to manage it, should be a priority of the court.
2. Family Court judges should receive training at the beginning of their tenure as a judge on the topics of child development, family systems, community resources, the social services system and factors related to the onset and prevention of juvenile delinquency.
3. The court should urge the Executive and Legislative branches of government to adopt an increased and better apportioned statewide distribution of financial resources in order to enable the court to provide equal justice and equal opportunity for services and dispositions.
4. The Family Division should offer evening hours of operation for one weekday evening each week.
5. The court should explore the use of mediation and arbitration projects as methods in diversion and in developing dispositional plans thus encouraging family participation and increased juvenile and family responsibility.
6. In order to avail itself of the resources of the academic community, the court should encourage ongoing research and study projects with academic institutions.
7. Accurate information about juveniles, their families and their offenses should be maintained by the AOC. The AOC, in consultation with county prosecutors, should establish standardized, statewide units of count and reporting procedures.
8. The development of a comprehensive coordinated interagency data collection system, which collects and stores all available court information relating to the family should be a priority of the court.
9. Statewide information systems are to be established, maintained and periodically reviewed for 1) data on individual juveniles; 2) data on their families; 3) aggregated data on juveniles and dispositional decisions; 4) aggregated data on: the nature and type of juvenile offenses; the geographic location of where offenders live and where offenses occur; and, basic descriptions of family demographic and other social indicators.
10. The Committee recognizes that the court is in the process of a study which is examining how factors in decision making may or may not impact disproportionately on the incarceration of minority youth. The court should report as expeditiously as possible on this study and should also examine sentencing guidelines and policies to

ensure that the decision to incarcerate does not unduly penalize children for their families' dysfunctions, deficiencies, incapacities or deprivations.

11. The court should develop statistical and research projects to describe, measure and project changes in: the demand for types of services; the composition and number of offenses and of the juvenile offender population so that the court can target resources and perform effective long range planning.
12. The court should periodically publish hard copy summaries of state and county juvenile system operations and aggregated demographic data on juveniles and their families on a regular basis for in-house and selected state and local government distribution.
13. In fashioning individual dispositions for cases on the formal calendar or for the disposition of probation, the judge should establish a leadership role in coordinating services to a juvenile by providing: a written goal statement (a statement of reasons for disposition) for all parties including service providers; such a statement should include a dispositional plan which lists specific reasons for that disposition. This statement of reasons and plan should be read and discussed, in English or Spanish, as needed, with the juvenile and the family.
14. Post-dispositionally, the court should require periodic reports and a final evaluation of a child and family's participation and progress within the court-ordered dispositional plan.
15. Probation officers should obtain, coordinate, review and forward responses of these periodic reports from the service providers regarding the success or problems in the dispositional plan.
16. The court should develop uniform, comprehensive and meaningful methods of obtaining and presenting individual juvenile and family histories on which decisions will be based. (Intake through disposition.)
17. The development of a multi-level, cumulatively organized information form on juveniles and their families should be a priority of the court.
18. Screening instruments with a set of uniform questions, to be used as a matter of standardized practice, should be developed and pilot tested by the court.
19. Comprehensive juvenile family assessment instruments should be developed and pilot tested by the court in consultation with other state and county agencies. The use of these instruments will be reserved for juveniles placed on the formal calendar, third time offenders, those deemed necessary by the screening instrument, or in the discretion of the judge.
20. The court should have the ability to secure these assessments in a timely manner; further, the court should have staff assigned (or available) to it to review the

completed evaluations and to provide information in the predispositional conference regarding recommended treatment strategies to the judge.

21. Family members are to be considered as integral contributors in all juvenile and family assessment procedures.
22. In order to encourage family involvement and responsibility, the court must explore and promote pre-adjudicatory and post adjudicatory procedures and dispositions which would require, whenever possible, a family's participation.
23. The role of the court is not to replace or supplant the family; rather the court should marshal societal resources to enable, whenever possible, the family to nurture, discipline and raise its children.
24. County Youth Services Commissions should cooperate with the Governor's Committee on Children's Services Planning and the AOC in developing a statewide directory of child serving agencies and programs.
25. County Youth Services Commissions, in collaboration with that county's child serving agencies and programs and the AOC, should develop a plan to implement periodic program evaluation.
26. The court should adopt a leadership role through the Youth Services Commissions by encouraging both the mobilization of community resources and the coordination of services and programs.
27. The Commissioner of Education should be empowered, through legislation, to mandate to all schools that mechanisms be established which would permit the courts to request and receive -- within a reasonable time period -- school related information on court-involved youths.
28. The court, in collaboration with the Department of Education, should develop a one page information form and an established set of procedures that schools would use in providing education related information to the courts.
29. The court should collaborate with local school districts and community agencies to help develop truancy reduction and dropout prevention programs.

COMMITTEE ON ORGANIZATION, PERSONNEL AND FINANCE

STANDARDS

1. The Family Part should have an effective and accountable leadership structure.
2. Family Part leadership should have effective control over all personnel assigned to the Part.
3. Dealing with issues from a family perspective requires integrated case management teams.
4. Integrated case management teams should be organized to facilitate relationships with the community and agencies outside the court.
5. All cases should be effectively managed by the court, beginning at the earliest opportunity.
 - 5.1 Information should be gathered and organized from a family perspective.
 - 5.2 Techniques for early case management should be utilized.
 - 5.3 A variety of appropriate dispute resolution processes should be available and utilized.
 - 5.4 Time goals should be established and used as case management guides.
 - 5.5 Court operations within and among counties should not produce unjust disparity in the treatment of persons using the court.
6. Services of the court should be accessible to the public.
 - 6.1 Family Part judges and staff should accommodate requests from those with whom they have contact.
 - 6.2 The Family Part should accommodate linguistic minorities, the deaf, and others with physical or mental difficulties or handicaps.
7. Criteria should be developed and employed for the measurement of key court related operations such as Youth Services Commission, juvenile-family crisis units and referral agencies.
8. The Family Part should work with public and private agencies (including Youth Services Commissions and juvenile-family crisis units) to expand, improve and better coordinate resources and services for Family Part clients.

9. Judges, court staff and volunteers should not be assigned to the Family Part until their qualifications for service in the court have been carefully evaluated.
10. Affirmative action and equal opportunity requirements should be scrupulously adhered to in the selection of court staff and court volunteers
11. Ratios should be developed which relate the number of Family Part judges and court staff to the court's workload.
12. All Family Part judges and staff should be housed in the main county courthouse and in such outlying locations as are determined by the assignment judge.
13. Physical condition and security standards for Family Part courtrooms, waiting areas, conference rooms and staff work areas should be developed.
14. The Family Part presiding judge and case manager should be directly involved in the annual development of the family part's portion of the judiciary's county level budget.

COMMITTEE ON DELINQUENCY DECISION MAKING

Introduction to Delinquency Decision Making

In reviewing the recommendations and standards submitted by the five subcommittees the Delinquency Decision Making Committee decided that it would be fairer to indicate as to each item whether the Committee approved of or opposed the recommendation rather than to simply eliminate recommendations it disagreed with. Where there was a significant split on the Delinquency Decision Making Committee on a particular item that has been indicated. Some minor changes were made to the recommendations and standards submitted by the subcommittees without indicating those changes in this report.

SUBCOMMITTEE ON DIVERSION

RECOMMENDATIONS:

1. Guidelines governing the use of police diversion throughout the state should be established by the Executive branch of government.

Delinquency Decision Making Committee Action: Opposed. The Committee felt that the development of police diversion guidelines would tend to inhibit the legitimate use of police diversion.

2. The court intake function should be strengthened through the development and implementation of effective training programs.
3. The Judiciary should conduct workshops and/or seminars designed to decrease variations in court intake practices that currently exist among counties and increase the awareness and use of effective case processing techniques that are employed throughout the State.
4. The court, especially the Family Division Presiding Judge, should establish and maintain a process which creates an on-going dialogue between the Family Division and the volunteers who work as members of Juvenile Conference Committees (JCC's) or in other services utilized for diversion.
5. The court should ensure that JCC's exist to serve every community so that they are available to be considered as a possible diversionary alternative for every juvenile charged with a minor delinquent offense, regardless of place of residence.
6. The court should establish a mechanism for monitoring its orders to ensure that there is compliance by the juvenile, the family and the service provider with the

obligations imposed through the diversion process.

7. Court Intake staff should be responsible for reviewing diverted cases, and where there is a failure to comply with the terms of diversion, resolving the matter or referring to court those cases that require action by the court.
8. The court should encourage the development of offense-specific diversionary programs.
9. Family Division Judges and staff must receive effective training and be knowledgeable about juvenile-family crisis jurisdiction and the operation of Juvenile/Family Crisis Intervention Units.
10. Effective training and educational programs concerning juvenile-family crisis jurisdiction and CIU operations should be provided to law enforcement personnel, schools, social service agencies personnel and the community in general.
11. The court should ensure that Crisis Intervention Units operate with sufficient numbers of staff with appropriate levels of expertise to meet the mandate of the Code.
12. Uniform statewide standards governing the nature and quality of information which must be gathered for the preparation of a juvenile-family crisis or out-of-home placement petition should be established.
13. The Judiciary should monitor compliance with the operating guidelines promulgated by the Supreme Court in the Juvenile-Family Crisis Intervention Manual.
14. The Assignment Judge should take responsibility for ensuring compliance of the CIU with all requirements of law governing their operation.
15. The Assignment Judge and Family Division Presiding Judge should provide sufficient administrative support concerning the functioning and effectiveness of Youth Services Commissions.
16. The Judiciary should ensure that a study is conducted to determine whether operating structure and lines of authority have any effect on the quality and ability of a Crisis Intervention Unit to meet the mandate of the Code.

SUBCOMMITTEE ON DETENTION AND ALTERNATIVES

RECOMMENDATIONS

1. Statutory detention standards should be adopted by the legislature to restrict admissions of juveniles charged with disorderly and petty disorderly persons offenses as their most serious offense.
2. N.J.S.A. 2A:4A-34(a) should be amended to eliminate the possible adverse affect on the health, safety or welfare of a juvenile of releasing the juvenile as a statutory criterium for detention.
3. Reliance on the use of alternative programs to secure detention should be increased throughout the state.
4. County Youth Services Commissions should give priority to establishing a continuum of detention alternative services, from least to most restrictive alternatives, when allocating discretionary funding.
5. Additional detention facilities construction should not constitute the primary response to overcrowding problems. Such additional facilities should not substitute for the creation of alternative programs.
6. Judges should consider detention center overcrowding when making detention decisions.
7. Judges should be aware of the maximum capacity of the detention center in their county and should receive a daily census of juveniles being held in detention.
8. Enforcing detention center maximum capacities should be the primary responsibility of an independent executive branch agency not subject to conflicts of interest with its enforcement responsibilities. Enforcement responsibility should be shared by County and State Government.
9. The existing enforcement responsibility of the Department of Corrections shall not be discretionary. The Department of Corrections should be required by statute to take action to enforce maximum capacities whenever those capacities are exceeded.
10. The Judiciary should take an active role in seeking to alleviate detention overcrowding by both considering overcrowding when making detention decisions and by advocating through Youth Services Commissions and on the State level for action to solve this problem.
11. Court appearances for juveniles in detention should be expedited in order to minimize the average length of stay for juveniles in detention.

12. Juveniles awaiting placement in non-secure settings should not be kept in detention while awaiting placement. All child serving executive agencies should give priority to juveniles awaiting placement who are in detention. These agencies shall provide housing for juveniles awaiting placement in their residential programs.
13. Juveniles who are awaiting secure placement by the Department of Corrections should be moved out of detention centers within 48 hours of disposition. The Department of Corrections shall provide housing for juveniles awaiting placement in their programs.
14. Standards should be established by the judiciary governing the amount and type of information required to be available to the judge and to juvenile intake workers when making detention decisions. Intake workers should receive training on information gathering and decision making.
15. Incident reports that juvenile detention facilities are required to submit to the Department of Corrections should also be circulated to the Family Division Presiding Judge and the Judge who is assigned to the juvenile's case.
16. The Intake worker who approves of an after-hours detention should be required to go to the detention center and/or the court the following day, if it is not a court day, even if the following day is a weekend or holiday, to review the decision in light of the juveniles' prior record and information available on the committing charge.

Delinquency Decision Making Committee Action: Opposed. The Committee disagreed with the above recommendation. In its place the Committee makes the following Recommendation:

Recommendation 16A:

Intake workers making detention decisions should be required to participate in initial detention hearings taking place on weekends or holidays. Intake workers should review the information forwarded to them at the time detention was ordered, and in the absence of sufficient personal information may have to: review court files to determine prior criminal record and record of appearances/non-appearances in court; review incident/arrest reports at the detention facility; and interview the juvenile to ascertain the availability of family members to whom the juvenile may be released and possible conditions of release.

17. Juveniles should be entitled to mental health and other casework services while in detention awaiting adjudication.
18. Juvenile detention facilities should be required to have specific programs to enable juveniles to maintain contact with family members and school.
19. Detention should not be made available as an option for use with juveniles involved in a juvenile-family crisis who repeatedly run away from a shelter. Staff secure

shelters, as described in State in the Interest of M.S. 73 N.J. 238, at 246, must be available for housing such juveniles.

20. The state should partially fund juvenile detention centers, with receipt of this funding being contingent upon compliance with state standards.
21. Judges should have discretion to order that youths over the age of eighteen, who may not be admitted to adult correctional facilities because they are charged with either outstanding juvenile offenses or violations of probation on juvenile offenses, not be held in detention centers with juveniles under the age of 18. The committee is aware that current law does not allow these youths to be transferred to adult facilities but feels that some alternative should be developed that would remove them from juvenile detention centers.
22. An interdisciplinary juvenile detention screening committee may be established in all counties.
23. The opportunity to be released upon posting bond should be extended to juveniles who would otherwise be detained, but who a judge would be willing to release with an additional assurance of appearance. This practice should be encouraged as a method of reducing the number of juveniles requiring secure detention, and should not be used in such a way as to result in the detention of juveniles who would have otherwise been released, simply because they cannot make bond.
24. Existing statutory standards for education, should be extended to juvenile detention centers and shelter facilities.
25. Home detention is a restriction on liberty and should be viewed a form of detention which requires priority case management.
26. The Atlantic County pilot program in which a committee including representatives of the Prosecutor, the Public Defender, the Division of Youth and Family Services, the Detention Center and others, recommends the exact nature of the restrictions to be placed on a juvenile awaiting trial, should be studied in order to determine whether it should be implemented in other counties.
27. Research is required to determine the relative effectiveness of various detention alternatives in alleviating detention overcrowding, ensuring the juvenile's appearance in court and protecting the public from the risk of new offenses being committed by the juvenile.

SUBCOMMITTEE ON ADJUDICATION

RECOMMENDATIONS:

1. The Subcommittee recommends that the Legislature review N.J.S.A. 2C:12-1 (Assault Statute) in consideration of the particular statutes which may present difficult adjudication issues.
2. The Subcommittee recommends that the Legislature review N.J.S.A. 2A:4A-61 (Fingerprint Records, Photographs of Juveniles) in consideration of the particular statutes which may present difficult adjudication issues.
3. The Subcommittee recommends that the Legislature review N.J.S.A. 2A:4A-26 (Waiver Statute) in consideration of the particular statutes which may present difficult adjudication issues.
4. The Subcommittee recommends that the Legislature review N.J.S.A. 2C:14 et. seq. (Sexual Assault) to consider whether the development or maturation of a juvenile can support the requisite mental state required to prove culpability in sexual assault cases.
5. The Subcommittee does not recommend this issue for review by the Legislature. However, it does recommend that the court carefully consider the elements of culpability as applied to juveniles.

Delinquency Decision Making Committee Action: Approved.

6. New Statutes or Court Rules - Prior Knowledge

When a judge has prior knowledge of a case gained in preliminary adjudication procedures, the case should be referred to another judge.

Delinquency Decision Making Committee Action: Opposed. This recommendation may result in judge shopping and it will be very difficult to implement in small counties with a limited number of judges.

7. A. The time requirements in the Code of Juvenile Justice pertaining to the length of detention should be enforced by the court.

Delinquency Decision Making Committee Action: Approved.

- B. Home detention should be no longer that which would be served in a detention center.

Delinquency Decision Making Committee Action: Opposed. The Committee was split on this issue. The prevailing position was that home detention affords more freedom than does detention center. Home detention is not equivalent to house arrest.

C. After thirty days in home detention, a juvenile should be supplied with a wrist bracelet which will monitor the juvenile's whereabouts.

Delinquency Decision Making Committee Action: Opposed. Wrist bracelets are too expensive and home detention is not as restrictive as being in a detention center.

D. Continuing detention review hearings should be held in 14-day intervals, rather than the current 21-day interval.

Delinquency Decision Making Committee Action: Approved.

8. Court staff should use consensual scheduling orders to facilitate the monitoring of deadlines.

Delinquency Decision Making Committee Action: Opposed. The court should control the scheduling.

9. A. The court should make every attempt to avoid inconveniencing witnesses.
B. There should be no plea bargaining on the day of trial.

Delinquency Decision Making Committee Action: As to A: Approved. As to B: Opposed. The day of trial is often the time when the juvenile decides to plea bargain, especially if witnesses are present.

10. The juvenile should be informed at the preliminary appearance that he or she has a right to have witnesses at the counsel-not-mandatory hearing.
11. The use of preliminary/pretrial hearings should be maximized.
12. A separate waiting area in the courthouse should be provided for victims, witnesses and defendants.
13. The Juvenile Referee Program should be established in every county.

Delinquency Decision Making Committee Action: Opposed. There is no training program for referees and no qualifications have been established for referees. The program takes away from judicial authority.

14. Deleted, no longer applicable.
15. There should not be jury trials for juveniles.

16. If a juvenile appears at a counsel-not-mandatory hearing with counsel, the prosecutor should be summoned and the case should proceed accordingly.

17A. Offense Plea Bargaining

Offense plea bargaining in juvenile matters should be established statewide. The plea bargaining guidelines recommended by the Family Division Practice Committee in its 1984-1985 Report should be adopted.

17B. Dispositional Plea Bargaining

Dispositional plea bargaining in juvenile matters should be established statewide.

Delinquency Decision Making Committee Action: Opposed with one abstention. The Committee disapproved this recommendation for the following reasons:

1. The Court's purpose with regard to disposition is to develop a rehabilitation plan that is in the best interest of the juvenile.

2. Most attorneys assigned to represent juveniles by both the public defender and the prosecutor have no knowledge or experience in the techniques involved in developing a rehabilitative treatment plan.

3. It is difficult for judges and staff who work with these plans consistently to develop a treatment plan which addresses the juvenile's needs, let alone for attorneys who are often just "passing through" the juvenile justice system.

4. The prosecutor represents the State and the State's interest is in having the juvenile restricted. The public defender represents the desires of the juvenile. Only the judge is in a position to consider a disposition which is in the best interest of the juvenile.

• *SUBCOMMITTEE ON ROLE OF COUNSEL*

RECOMMENDATIONS:

1. Special training should be required for all counsel participating in the juvenile justice system.
2. The Institute for Continuing Legal Education should compile a resource book on juvenile practice and procedure as part of its training course. The manual should be available in local county bar association libraries.
3. If a parent neglects or refuses to complete form 5A (application for the public defender) or there are no parents to complete form 5A, there should be a provisional assignment by the court of a public defender to the juvenile pending further information.
4. A training program for private counsel should include instruction on the various options available for the juvenile through diversion. The Division of Youth and Family Services should supply the court and counsel with a list of programs which are available for the juvenile through diversion.
5. Counsel should advocate for the juvenile and leave the "best interest" determination to the court and those qualified to make that determination. This does not relieve an attorney from a duty to seek out other dispositional alternatives.
6. Regardless of who pays defense counsel, it is defense counsel's responsibility to advocate for the juvenile.
7. Detention centers should be safe and habitable.
8. Defense counsel's advocacy for the juvenile should not cease at disposition.
9. Every juvenile should be represented at the earliest possible stage of the formal proceeding by a trained, knowledgeable attorney. Every prosecutor should be properly trained in juvenile practice and procedure.
10. The court should control its calendar and case assignments.
11. All attorneys in juvenile proceedings have a responsibility to avoid unnecessary continuances.

• **SUBCOMMITTEE ON DISPOSITION**

RECOMMENDATIONS:

1. Additional innovative programs/services for juvenile delinquents and their families must be developed and where existing, expanded. Programs should include family and community involvement components, as appropriate. Examples of needed programs are:

k. Early Intervention Programs

Examples of needed programs/program components are:

- (1) Alternative education programs/services.
- (2) Use of volunteers to assist with after school supervision of juvenile probationers and to provide educational assistance to them.
- (3) Provision of periodic progress reports by schools to probation staff regarding juvenile probationers.
- (4) Community/family involvement component.

b. Appropriate Educational, Psychological and Psychiatric Testing of Juveniles

c. Wilderness/Outward Bound Programs

Needed program elements are:

- (1) Wilderness/outward bound component as the focal point of the program or a major element of a multi-faceted program.
- (2) Family involvement component.

d. Community Service/Restitution Programs

Needed program components are:

- (1) Vocational training/employment opportunity.
- (2) Reparation (monetary payment or service to the community).

e. Community Based Programs

f. Substance Abuse Treatment Programs

A broad spectrum of substance abuse (drug and alcohol) treatment and services is needed (especially for indigent court involved juveniles) including the following:

- (1) Detoxification.
- (2) Increased outpatient/day treatment services.
- (3) Residential inpatient treatment for indigent juvenile substance

- abusers.
- (4) Aftercare services.

g. Family Counselling/Therapy/Skills Programs

h. Residential Programs

Additional residential programs are especially needed for hard to place court involved juveniles. The judiciary and executive agencies serving court involved youth should not support programs which refuse to accept such youth.

i. Post-Residential Aftercare Services

Aftercare services are needed especially where the juvenile's family is dysfunctional or where the juvenile's placement is distant from his/her residence.

j. Sex Offender Programs

k. High Risk Juvenile Offender Probation Programs

Needed programs/program components are:

- (1) Use of probation "team" approach.
- (2) Case conferences.

l. Alternative to Incarceration Programs

The following are needed programs/program components:

- (1) Comprehensive multi-faceted structured programs.
- (2) Individual accountability.
- (3) Extensive family involvement.
- (4) Individual group, family and career counseling.
- (5) Community service coupled with job training.

m. Recall Programs

Recall programs should operate under the auspices of the court and should be directed and staffed by judiciary employees.

n. Intensive Supervised Probation Programs

o. Short-Term Incarceration Programs

Examples of needed programs and services for such juveniles are the following:

- (1) Mechanisms to provide education; school/day release.

- (2) Work release.
- (3) Psychological/psychiatric evaluations/assessments.

In-depth psychological, psychiatric and other necessary evaluations/assessments should be performed and resulting reports made available to the court.

- (4) Group therapy.

2. a. Parental Involvement Programs/Services

Programs/services for adjudicated delinquents should where feasible include a parental involvement component. Where the male parent is absent from the home, programs/services should encourage interaction with other male figures within or outside the home. The community (e.g., key community figures and leaders) should be mobilized in a delinquency prevention effort to exert a positive influence over juveniles.

b. Violation of Parental Involvement Orders

The Code of Juvenile Justice should be amended to designate the willful violation of a parental involvement order as a separate offense (e.g., a disorderly persons offense) both in juvenile delinquency and juvenile/family crisis matters.

3. Family Division Judges should have the authority to order an executive agency to provide needed rehabilitative services in a timely fashion to juvenile delinquents.

4. a. Needs Assessment

Executive agencies should conduct an overall needs assessment to ascertain which types of programs/ services are most greatly needed by juvenile delinquents and their families. Coordinated statewide planning should be undertaken to meet those needs.

b. Development of Programs, Services and Guidelines by Executive Agencies

Executive agencies should develop and promulgate clear, explicit guidelines as to juveniles who fall within their area(s) of responsibility. Such guidelines (including subsequent revisions) should be developed with input from the Judiciary and made available to the Judiciary. The Judiciary should be given an opportunity for input into the development of programs/services to assure that the needs of all juvenile delinquents are sufficiently met.

c. Evaluation of Programs/Services

Existing programs and services for juvenile delinquents not operating under

the auspices of the court should be regularly and systematically evaluated; judges and service providers should be advised of the results of the same. Ineffective, inappropriate or unnecessary programs should be identified and where necessary, improved or replaced by more efficacious, appropriate or needed ones.

d. **Quality Assurance Standards**

Quality assurance standards should be established for programs for juvenile delinquents not operating under the auspices of the court. This includes the establishment of program standards (as to the minimum delivery of services, staffing levels and adequacy, program goals and methodologies) and monitoring of adherence to the same both as to State (including correctional) and community-based programs.

5. The Code of Juvenile Justice should be amended to indicate that the parole disqualifier provisions which are mandatory ~~are~~ to certain convicted criminals (e.g., pursuant to the Graves Act) not be applied to adjudicated delinquents.

6. ~~is~~ **Training of Correctional Officers**

State correctional officers in juvenile institutions should be provided additional training which is uniquely geared to the handling of juvenile offenders.

b. **Training of Others**

Personnel from other agencies/entities serving juvenile offenders should be provided additional training regarding the juvenile justice area.

7. The public should be provided information by agencies/ entities within the juvenile justice system regarding its operation.

8. a. **Minority Professionals in the Juvenile Justice System**

Additional minority professionals should be employed in the juvenile justice system.

b. **Minority Psychologists/Psychiatrists in the Correctional System**

Additional minority psychologists and psychiatrists should be employed in the correctional system.

9. Existing legislation should be clarified (by statutory amendment) as to whether N.J.S.A. 2A:4A-47 limits the court's ability to enforce the collection of unpaid fines, restitution, penalties or fees whose payment is mandated by another statute (e.g., the

Comprehensive Drug Reform Act) to age eighteen or one year from the date of the order (whichever is later).

10. The Comprehensive Drug Reform Act should be amended to replace the mandatory D.E.D.R. penalties (currently applicable to juveniles adjudicated delinquent for the commission of drug offenses) with a discretionary financial penalty and/or service in a community service program.
11. Short term incarceration should be made available as a dispositional alternative in all counties which have county juvenile detention centers.

Delinquency Decision Making Committee Action: Opposed. While some members of the Delinquency Decision Making Committee agreed with the Subcommittee's recommendation, the majority of the Committee was concerned that the expansion of short term incarceration to counties where this dispositional option is presently not available would lead to the increased incarceration of adjudicated delinquents.

COMMITTEE ON COMMUNITY-BASED TREATMENT AND SERVICES

RECOMMENDATIONS:

1. Family Court Intake Service with expert assistance, should develop comprehensive criteria to effectively screen and assess all cases for judicial processing. Criteria should include: potential for delinquency; potential for criminality by degree of severity; potential for rehabilitative treatment; and prescribed plan for treatment.
2. The Family Court should establish multi-disciplinary assessment teams to conduct pre-dispositional assessments/evaluations in the areas specified in [recommendation 1]. Such reports should be made available to judges for the disposition process.
3. Family Court Intake service should develop mechanisms to regularly monitor diversion agreements and report their findings to the Court periodically.
4. The Family Court should exert its influence and authority to obtain needed delinquency services and resources.
5. Family Court judges and staff should assume a prominent position asserting their leadership capacity, within the County Youth Services Commissions.
6. Probation should be designated as the lead agency in the management of post-dispositional delinquency cases for monitoring and enforcement of court orders, along with arranging appropriate services and reporting.
7. Probation should develop innovative programming to meet the special needs of probationers statewide and implement proven programs where they do not exist. Specifically, the following projects should be established in every county: Projects CARE and JUPITER, and Juvenile Intensive Supervision.
8. Probation should create and adopt statewide caseload criteria based on existing guidelines and formulae.
9. Probation should develop specific strategies, statewide and locally, to educate the public on its responsibilities and communicate on the need for and increase the recruitment of volunteers.
10. Probation should actively participate in local planning committees, commissions, e.g., Youth Services Commissions, Local Advisory Committees on Alcohol and Drug Abuse, Human Services Advisory Committees, and Mental Health Boards.
11. Probation should develop and continually update key facts on community service providers in Vicinage Directories.
12. Probation in each vicinage should implement and utilize FACTS.

13. Probation Services, AOC, should sponsor and promote challenging training programs to advance its performance, particularly in computer capability, counselling, psychology, substance abuse prevention, Spanish language; and should promote graduate school study by reimbursement.
14. The State Commission should actively promote and set high standards for interdepartmental/interagency coordination and cooperation. The active participation of the judiciary and law enforcement communities in the Youth Services Commission should be encouraged strongly by the Chief Justice and Attorney General.
15. The State Commission should support and be more responsive to the needs and problems of the County and Youth Services Commissions and monitor their programs.
16. The State Commission should encourage and monitor the development of Municipal Youth Services Commissions.
17. County Commissions should develop and encourage the creation of municipal commissions.
18. County Commissions seek representation on County Alliance Steering Subcommittees of the Governor's Council on Alcoholism and Drug Abuse and insure that they play an important role in their development.
19. County Commissions should work with Probation on Vicinage Community Service Directories. [See #11 above]
20. Each County Youth Services Commission should have at least one full-time staff person.
21. County Youth Services Commission purpose and responsibilities should be clearly specified by amending N.J.S.A. 2A-4A-91.
22. Municipal Commissions should perform yearly needs assessments of rehabilitative services in their community and perform evaluations of such services in cooperation with probation.
23. Each Municipal Commission should seek representation on the Community Planning Committees that impact on at-risk youth or appoint a liaison member to monitor current developments.
24. Municipal Commissions should develop strong relationships with local school district and develop conjunctive youth strategies with school boards.
25. Municipal Commissions should develop a strong relationship with Community

Alliance Committees and seek to unify their drug/alcohol agendas.

26. Municipal Commissions should have representatives on County YSC Boards to strengthen ties with that parent group and with the Family Court.
27. Through legislation and Constitutional Amendments, the State should establish (i) the rights of delinquent juveniles to rehabilitative treatment, (ii) minimal levels of services, (iii) requirements for the provision of such services by families and government.
28. The Family Court should establish in each county an interagency coordinating group which reviews the treatment plan for youth with multiple problems or unique needs.
29. Existing service providers should be consulted regularly by agents of the Court to plan and monitor programs and services for multi-problem youth.
30. The development of 12-16 hour/day programs in local communities should be experimented with as an alternative to more costly and distant residential care.
31. A pilot project for interagency training should be considered for primary participants of the juvenile justice and service systems personnel.
32. The AOC should develop an instrument for annual use by County YSCs to evaluate the performance of public programs.
33. The Family Court should conduct research on the effectiveness of community-based services.
34. The Family Court should develop special programs that target inner city and serious and chronic offenders and their families.
35. The Code of Juvenile Justice should contain more options for the Family Court to require family participation in dispositions and their conditions.
36. The Family Court should consider families as part of the solution to juvenile delinquency.
37. The Family Court should develop a screening process (family assessment) that determines families' capacities.
38. Family Court should seek to create partnerships with juvenile's family.
39. The Family Court should ensure that programs servicing families have goals that achieve family empowerment.
40. The Family Court should encourage and support primary prevention initiatives.

41. The Family Court should set as one of its primary goals effective schooling for court-involved youth.
42. The Judiciary should work with the State Department of Education to expand alternative education programs, and the Family Court should work with community agencies to develop adjunctive support services and increase the effectiveness of school programs in retaining delinquents.
43. The Family Court should continually affirm school attendance and performance as a condition of disposition, have the requirement enforced by agents of the Court, primarily probation, and hold youths accountable for performance at school.
44. The Family Court should submit an annual plan to the Governor's Council on Alcoholism and Drug Abuse that specifically details the impact of substance abuse and delinquency on the work of the Judiciary.
45. Research and evaluation should be conducted continually on effectiveness of new and existing services provided juveniles.
46. The Family Courts, Probation and community service providers should be evaluated periodically and the results published as part of a county Juvenile Justice Annual Report.
47. Each county or groups of counties should have available the levels and range of services necessary to treat Family Court youth.
48. All juveniles in need of rehabilitative services should receive them in accordance with minimal standards of quantity and quality. Families not in need should be required to fund such services while indigent families would have them provided by government as required by legislation or constitutional amendment.
49. Agents of the Family Court should monitor agencies providing services, juveniles receiving them, and their families through periodic audits and tests.

COMMITTEE ON VOLUNTEER PROGRAMS

RECOMMENDATIONS:

1. Create a Volunteer Division within the Administrative Office of the Courts, to be led by an Assistant Director comparable in status to the other Assistant Directors within the Administrative office, and to include within its staff a statewide coordinator for each of the six volunteer programs.
2. Place responsibility in the Volunteer Division for the development and dissemination of the following, building on the work already done by the individual statewide coordinators:
 - a. A mission statement and set of standards for the inclusion of volunteers within the Court structure.
 - b. A mission statement and set of standards for each of the volunteer programs.
 - c. Publicity regarding volunteer programs and volunteer opportunities.
 - d. Job descriptions for both coordinators and volunteers within each program.
 - e. Generic training in volunteer management for the coordinators.
 - f. Generic training for all volunteers.
 - g. Orientation for new judges about the volunteer programs: their purpose, operation, and needs.
 - h. A periodic newsletter to judges, volunteers and court administrators to keep all participants up to date on program developments.
3. Develop, through the Division, close working ties with coordinators, administrators and volunteers within the individual Trial Courts:
 - a. In the development of Court and program specific training for volunteers.
 - b. In the development of goals and objectives, annual plans and budgets for each Trial Court.
 - c. In the recruitment and screening of potential volunteers.
 - d. In the monitoring and evaluation of the programs and of the standards.
 - e. In planning and producing an annual conference for all volunteers.

- f. In assuring adequate recognition for the volunteer programs and for the individual volunteers.
 - g. In providing, upon request, technical assistance to all those involved with volunteer programs, whether as volunteers or as administrators.
4. Upgrade the position of program coordinators at the Trial Court level so that the coordinators will have the status and management skills necessary to the administration of effective volunteer programs.
 5. Reimburse expenses incurred by volunteers in connection with their program duties.
 6. Include volunteers in the administration of the volunteer programs.
 7. Develop an aggressive recruitment campaign to make the volunteer corps more reflective of the clients served, and require cross-cultural training for all volunteers and program coordinators.
 8. Require all volunteers to attend both generic and program specific training before embarking on their assignments.
 9. Provide liability insurance coverage for all volunteers and program coordinators.
 10. Provide working conditions and recognition that acknowledge the importance the Court accords its volunteers.

COMMITTEE ON SPECIAL PROGRAMS

• SUBCOMMITTEE ON DRUG/ALCOHOL OFFENDERS

Recommendations:

1. Treatment programs for adolescents should have a drug-free philosophy. The goal should be abstinence from the primary drug of use as well as all other drugs including alcohol and marijuana.
2. Treatment programs should use a humanistic approach as opposed to a purely confrontational approach. Self-help groups such as AA and NA should be an integral part of treatment programs.
3. Currently violent youth, sex offenders, youth with an arson history, and developmentally disabled youth with alcohol/drug problems are difficult to place. Treatment programs must adapt to accept these referrals from the juvenile justice system. If current programs continue to refuse treatment to these type of adolescent offenders, new programs, designed by a joint team of juvenile justice personnel and rehabilitation specialists in the above-mentioned fields, should be established.
4. Treatment services should be available to female juvenile offenders especially those who are pregnant and those with small children.
5. Treatment programs should have an AIDS educational component as part of treatment.
6. Separate programs should be developed to address the problems of juveniles who are involved in the sale and distribution of drugs.
7. Treatment programs should incorporate a follow-up system to assist in evaluating the performance of programs. Also there is a need for a uniform statistical data base to further evaluate current treatment system and plan for future treatment.
8. Research on the state and national level is necessary to assist us in providing the best quality services to juvenile offenders. (Example: Research to evaluate length of stay in a residential facility. Are long-term or short-term programs the most effective?)
9. Treatment should be available for all offenders and their families. Additional funding will be necessary on the national, state and county level to provide treatment on demand.
10. A uniform screening/assessment instrument is needed throughout the state for juvenile offenders.

11. Multi-disciplinary teams should be established in each county to develop a full range of treatment alternatives for the juvenile offender. The treatment plan would reflect the total needs of the juvenile and not be fragmented as it often is at the present time. Caution: Although juvenile offenders usually have a myriad of problems, the offender's drug/alcohol problem must be a primary concern. The other problem cannot be resolved if the offender continues to abuse drugs or alcohol.
12. A case manager, preferably from the probation department, should follow the offender and his/her family through completion of the treatment plan.
13. There is a need for a uniform set of criteria differentiating which client is appropriate for inpatient or outpatient services.
14. The juvenile justice system must recognize that juvenile offenders have different needs and not refer to just one modality of treatment such as residential services.
15. Referral to primary modality of treatment whether inpatient or outpatient services, must be followed up with aftercare treatment.
16. Research is necessary in this area to assist in making referrals to the appropriate modality of treatment.
17. Strict enforcement of treatment: The court system needs to be consistent and persistent in the enforcement of orders for treatment. The court needs to take full advantage of its authority to impose other sanctions if the client rejects mandated treatment.
18. More long-term residential programs need to be developed.
19. Cross training of court and treatment personnel is needed. Better communication and understanding needs to be fostered between these systems.
20. Formal, on-going measures to ensure that residential treatment is consistent with the needs of the court should be established.
21. Families must be involved in the assessment/evaluation procedure for all juvenile offenders.
22. Family treatment should be incorporated in all adolescent treatment programs.
23. Families should be ordered into treatment as well as the juvenile offender.
24. Treatment should be made available to juvenile offenders who are children of substance abusers.
25. Treatment services need to be community-based. Both outpatient and residential services need to be available throughout the state.

SUBCOMMITTEE ON SEX OFFENDERS

26. It is recommended that the Judiciary be provided with ongoing training regarding the juvenile sex offender, in order to facilitate an earlier recognition and better understanding of this population at the family court level.
27. It is recommended that the Judiciary be supportive of both treatment and program development for this population in terms of utilizing family court funds.
28. It is recommended that an entire continuum of care be developed in New Jersey for the juvenile sex offender; similar to that outlined in the Oregon Matrix.
29. It is recommended that at least 3 regional (north, south, central) Special Needs Assessment Panels (SNAP) be established with intra-agency representation similar to the statewide SNAP. These panels would be responsible for resource and program development within their respective regions.
30. It is recommended that, especially for the young juvenile sex offender -(under the age of 14)- that interagency relationships be developed between group homes and community outpatient juvenile sex offender programs located within close proximity to each other.
31. It is recommended that probation be designated as the monitoring/coordinating agency with regard to the juvenile sex offender. It is further recommended that specific probation officers be designated in both Intake and Supervision to work with the juvenile sex offender, and that these officers be provided with specific training on an on-going basis to do so.
32. It is recommended that the judiciary be more specific in their court orders with juvenile sex offenders, and mandate sex-offense specific treatment. It is further recommended that the judiciary look seriously upon any violation of probation regarding non-compliance with treatment.
33. It is also recommended that maximum terms of probation be imposed for juvenile sex offenses. These youths require extensive supervision with intensified monitoring required upon their return to the community.
34. It is recommended that a statewide policy be developed regarding the handling of additional disclosures of sexual abuse by the juvenile sex offender during treatment. The statewide SNAP should assume the responsibility for this policy development, or designate a specific group to do so.

35. It is recommended that affiliation agreements be developed between and among the various involved agencies to help clarify agency roles and responsibilities with regard to the juvenile sex offender and the family.
36. It is recommended that expansion of services for the juvenile sex offender commence in those counties where community outpatient juvenile sex offender programs currently exist.
37. It is recommended that the judiciary specify mandated family treatment in their court orders for all juvenile sex offenders; and especially so with regard to incest cases. In addition, it is recommended that the utilization/expansion of programs like Home Builders and Family Preservation Project be explored as supplemental treatment components for families residing in counties where their services exist.
38. It is recommended that statewide training take place with the emphasis on attracting minority professionals to this field.
39. In consideration of the lack of residential beds for juvenile sex offenders in New Jersey, and the difficulty in establishing/siting programs, it is recommended that group homes and/or residential schools be provided with a monetary incentive for case-by-case placement of these youths.
40. It is recommended that, whenever possible, DYFS and the prosecutor conduct joint investigations with videotaping of the victim's statement, to reduce the amount of trauma to the victim(s).
41. It is recommended that the Statewide SNAP pursue some resolution to the current problems with the Violent Crimes Compensation Board (VCCB).

• *SUBCOMMITTEE ON DEVELOPMENTALLY DISABLED OFFENDERS*

42. A standardized screening and assessment tool, similar to the one currently in use in the State of New York, (designed by Dr. Norman Brier and contained in Appendix A of the committee report) should be developed to determine if a juvenile fits the DDD criteria. Its use would be mandatory at the time of admission of a juvenile to any county detention center.
43. A model system of services should be developed for this [developmentally disabled] population of juvenile offenders.
44. An Interagency Council should be established to facilitate agency responsibility for this population.

45. The Subcommittee proposes, in addition to the mandatory use of a screening and assessment tool upon admission to a detention center, the establishment of a position of DDD liaison to the Family Court (Patterned on the DYFS court liaison model).
46. Training should be provided to the staff of the Public Defenders' Office regarding the identification and special needs of the developmentally disabled juvenile. The Subcommittee further recommends that an interdisciplinary team be responsible for developing an individualized plan for the court at the time of disposition.

• *SUBCOMMITTEE ON LEARNING DISABLED OFFENDERS*

47. Common language: If all professions involved used the same definition it would assist in diagnosing, intervention and auxiliary services which can be provided to learning disabled youths.
48. Training should be provided to all juvenile justice personnel on learning disabilities.
49. Juveniles with learning disabilities should be screened early on in the judicial process.
50. Liaisons should be established between the courts and schools to facilitate not only the identification of juveniles with learning disabilities, but also follow-up evaluations.
51. It is important for both the juvenile and his/her family to be involved in counseling to learn to deal with the learning disability.
52. The courts must take the time to deal with each learning disabled juvenile individually for both screening and assessment.

• *SUBCOMMITTEE ON SERIOUSLY EMOTIONALLY DISTURBED OFFENDER*

53. Expansion of the Challenge Grant Initiative should be supported.
54. The Department of Human Services, under the facilitation of the Division of Mental Health and Hospitals plans to convene a State Inter-Agency Coordinating Committee (SIACC) for developing mental health related policies, services, affiliation agreements and service support structures (such as reimbursement and information management systems). The subcommittee endorses the development of SIACC and recommends expansion of its membership to include representatives from the AOC Family Division Services and Probation Services.

55. Specific [financial] strategies should include:

- Reallocation of a portion of the funding for out-of-home placements, especially out-of-state placements, to enhance local community residential and residential alternative options.
- Redirection of a portion of DYFS funding employed for psychological examinations from private practitioners to community mental health centers where they can provide the needed services.
- Maximization of Federal medicaid reimbursement through such strategies as adding the rehabilitation Option and employing the COBRA Case Management Option.

56. At the county level an inter-agency coordinating committee needs to function as a county multi-systems authority charged with developing a responsive, integrated system of care for seriously emotionally disturbed youth who are juvenile offenders. This local multi-system authority should have the task of developing the county-based policies, plans, service and linkages needed to effectively address system shortfalls and service gaps.

57. Multi-disciplinary assessment and treatment planning team(s) should exist in each of the counties to provide SED youth who are juvenile offenders with suspected multi-system needs, with the comprehensive assessments necessary to develop appropriate client driven treatment plans.

58. Consistent with the recommendations of the Statewide Children's Mental Health Advisory Committee, case management and advocacy services need to be available to SED juvenile offenders to implement the service recommendations of the treatment plan formulated by the multi-disciplinary assessment and treatment planning team.

59. The county-based system of services for SED youth requires an information system to assure that data necessary to efficiently and effectively operate and evaluate the contemplated service system is maintained. The formation of an information system should be on of the tasks of the county's interagency coordinating committees.

60. This Subcommittee supports community involvement and community support initiatives for SEDJO juvenile offenders such as the Project CARE programs administered through the Probation Division of the Administrative Office of the Courts.

61. The Subcommittee supports the more specific recommendations being disseminated by the Statewide Children's Mental Health Advisory Committee.

62. In view of the magnitude of services available within the mental health system, a segment of the research agenda should address the urgent need to coordinate with

other State agencies in the development of a computerized data bank which contains programs and services for special populations of court-involved youth.

63. In response to the concerns addressed regarding the unmet mental health needs of youth in detention centers, an inter-agency task force should be assembled to assess the needs, to recommend changes, and to implement the changes aimed at rectifying the assessed problems.
64. The tendency for minority, disadvantaged youth to be placed in more restrictive institutional setting reflects a complex societal problem that has no easy solution... This Subcommittee recommends that, at the State level, an inter-agency task force should be established to assess the extent and causes of this problem followed by ongoing monitoring.

SUBCOMMITTEE ON SERIOUS, CHRONIC OFFENDERS

65. Develop a definition of a serious and chronic offender which can be utilized statewide both in the early identification of potential offenders and in the consistent handling of juveniles in the Family Court System.
66. More money needs to be allocated for services for this population. A formula needs to be developed for the allocation of funds statewide that does not punish those counties with low rates of incarceration.
67. Additional staff should be added to the Family Court whose sole responsibility would be to gather comprehensive information on these offenders prior to their court appearance.
68. Judges need to attend specialized training for Family Court which includes a knowledge of community resources and local issues. The Conference of Family Presiding Judges may want to consider appointing a committee to monitor the functioning of the Family Court and would be responsible for making recommendations to the Conference of Assignment Judges.
69. Develop career tracks for direct service staff that permit promotions without movement into administrative positions; encourage experienced staff to remain in front line positions. Develop clear job descriptions for these "higher level" field staff.
70. Develop consistent funding streams that ensure cost of living increases [for programs]. Along with this, place a greater emphasis on accountability; insist upon adequate allocations for comprehensive program assessment evaluation and monitor to ensure that appropriate needs are being served.
71. Emphasis must be placed on prevention; service delivery must be early and comprehensive.

72. Do not mix populations of committed and non-committed youth in social service programs.
73. Ensure that judges are fully knowledgeable of their authority over parents; develop a list of consequences of non-compliance, distribute it to parents and enforce it.
74. A statewide system of intensive supervision should be developed for this population that includes such things as frequent face-to-face contacts, random drug testing and issues of public safety.
75. The AOC should research risk/need tools currently being used and pursue efforts to develop, validate and field test instruments for use in New Jersey.
76. A continuum of services, both residential and non-residential, should be developed for serious, chronic juvenile offenders.

